

Before The
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO MOTION TO
COMPEL FILED BY MR. POPKIN
(November 19, 2002)

The United States Postal Service hereby files this opposition to the November 12, 2002 motion of Mr. Popkin seeking to compel responses to the following interrogatories propounded on November 1, 2002: DBP/USPS-146(f) through (k). The questions seek information about mailflows in and of the Eureka, California P&DC to delivery offices within its service area.

In accordance with the Rules of Practice and Procedure of the Postal Rate Commission, parties in Commission proceedings are permitted to engage in discovery calculated to lead to admissible evidence that is relevant to the subject matter of the proceeding. Generally speaking, the First-Class Mail service standard changes implemented by the Postal Service in 2000-01 are the subject matter of this proceeding. Presumably, the complaint in this proceeding seeks to resolve (1) whether those changes were implemented in a manner consistent with 39 U.S.C. § 3661 and (2) whether the resulting service fails to conform to some policy of the Postal Reorganization Act, within the meaning of 39 U.S.C. § 3662.

Only a relatively general understanding of postal operations is necessary to comprehend and resolve the service standard change issues in this proceeding. It is not necessary to know everything about postal operations at any particular locale to resolve the issues raised by the complaint. Within the narrow context of this proceeding, the parties should expect to check their wide-ranging interest in all levels of

postal minutiae at the door and utilize discovery only to pursue matters relevant to the issues in this case.

As has been evident throughout this proceeding, the Postal Service has exercised restraint in determining when to object to discovery. At times, the Postal Service's approach has been to provide information responsive to questions seeking data that are neither necessary nor relevant to a resolution of the issues in this proceeding. In doing so, the Postal Service has sought to minimize burdensome motion practice by erring on the side of allowing the parties greater than ordinary latitude. It has been the Postal Service's approach to not object to some questions when the nexus between an interrogatory and a material issue was, at best, questionable. As was the case with DFC/USPS-62, the Postal Service's response often has been to provide responsive information, and to see where any follow-up discovery might seek to tread. Sometimes, the journey down the path of irrelevancy ends quickly and the parties move on. However, as here, when the follow-up questions demonstrate an inability to resist the desire for irrelevant and unnecessary postal operational minutiae, the Postal Series has raised objections.

At page one of his motion, in support of his desire to obtain the information responsive to subparts (f) through (h) of DBP/USPS-146, Mr. Popkin asserts that it is "relevant to know the ability of . . . [the Eureka CA Processing & Distribution Center] to process and dispatch . . . [mail] in time to reach the associated offices in time for delivery that day." He does not explain or identify an issue to which the inner workings of the Eureka P&DC are particularly relevant or necessary. Instead, he asserts that "[i]f it is relevant to know that the San Diego mail arrives at the Eureka P&DC at 3 AM on the date of delivery,¹ [then] it is also relevant to know the ability of . . . [the Eureka facility] to process . . . and dispatch" mail to its associate offices: the information requested in subparts (f) through (k).²

¹ Information provided in response to DFC/USPS-62 on October 30, 2002.

² To the contrary, it is unclear what nationwide or substantially nationwide conclusions can be drawn on the basis of knowing truck dispatch times in and out of one (and only one) P&DC in California to some of its associate offices. If such information is relevant, then one cannot possibly resolve the issues in this proceeding without also inquiring about the quality of management and personnel deployment at the Eureka P&DC.

Mr. Popkin's argument rests upon a most unstable foundation. First, for purposes of determining whether (1) substantially nationwide First-Class Mail service standard changes were implemented in a manner consistent with section 3661, or (2) whether resulting service fails to comply with some policy of the Postal Reorganization Act, it clearly is not necessary to know what time each truck or other mode of mail transport leaves San Diego, or any other origin for that matter. Irrespective of the time First-Class Mail from San Diego arrives at the Eureka P&DC daily, and whatever time that mail then gets to associate offices served by Eureka, neither of those core questions is brought closer to resolution by a micro-examination of truck dispatch times in and out of the Eureka P&DC. The mere fact that the Postal Service responded to DFC/USPS-62 does not, by itself, make that question relevant. Nor does it automatically make the answer to any follow-question relevant.

The process by which the disputed service standard changes were implemented is a matter of record. The resulting service standards are a matter of record. Available information is being disclosed in this proceeding that, to some degree, sheds light on the level of First-Class Mail service provided before and after the service standard changes were implemented.

Taking Mr. Popkin's argument to its logical conclusion, one would need to know all of the dispatch schedules for all modes of transportation between every origin-destination pair before and after the service standard changes in order to reach any conclusion under sections 3661 or 3662 in this proceeding. That simply is not so. It is immaterial to a resolution of the issues in this proceeding what time each truck from the Eureka CA P&DC heads to an associate office (subpart (f)), or what time the truck arrives at the associate offices that might be the greatest distance away (subpart (g)), or the name of the office that has the latest arrival time and what time that might be (subpart (h)). If the information requested in subparts (f) through (h) is relevant to the issues in this proceeding, then no information is irrelevant.

Likewise, it is no more relevant to the resolution of the issues in this proceeding to know the mix of mail sortation methods employed at the Eureka P&DC for mail

destined for different associate offices (subpart (i)). Nor is it relevant to know the sort schemes or the depth of sort of mail dispatched from different P&DC's to Eureka (subpart (j)). It is equally implausible that knowing the degree of deviation from the scheduled arrival time of trucks from San Diego to Eureka (subpart (k)) will assist the Commission in determining whether the service standard changes at issue were implemented contrary to section 3661 or whether they result in service not complying with some policy of the Act, within the meaning of section 3662.

The Postal Service should not be burdened with responding to the interrogatories at issue here. This conclusion is not based on any assertion that the burden would be overwhelming. It is based upon the proposition that the information is neither relevant nor necessary to a resolution of the issues in this proceeding. In such an instance, the Postal Service should not be compelled to provide the data. Contrary to Mr. Popkin's view, in resolving whether the Postal Service should provide the requested information, the analysis does not begin and end with a determination that someone wants it and the Postal Service can provide it. The Postal Service should be spared the burden of providing information when it will contribute nothing toward the resolution of the issues in the case.

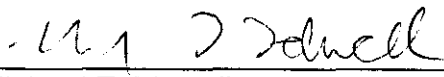
For the forgoing reasons, the motion should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:


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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon all parties of record in this proceeding.


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November 19, 2002